

WST85BUSA

REMARKS/ARGUMENTS

After entry of this paper, the pending claims are 1, 5-12, and 24-26. Claims 2-4 and 13-23 are canceled as being drawn to non-elected subject matter. Applicant reserves the right to prosecute these non-elected claims, as well as any canceled subject matter, in a divisional or continuation application filed during the pendency of the present application.

Claims 1 and 5-12 were amended to depend from elected claim 24. New claims 25 and 26 recite additional embodiments of the present invention and are supported on page 14, lines 19-24. No new matter is added by the amendments and new claims.

Restriction Requirement

The Examiner restricted the pending claims into five (5) groups and required election of the claims of one (1) of the groups.

In response to the requirement to elect the claims of one (1) group, Applicant hereby elects the claims of group 5, i.e. claim 24 drawn to a therapeutic composition comprising IL-12. Amended claims 5-11 and new claims 25 and 26 are believed to fall within this elected group.

Applicant reserves the right to prosecute the non-elected claims of groups I-IV in a divisional application filed during the pendency of the present application.

Species Election

The Examiner asserted that claims 7 and 19 contain patentably distinct inhibitors in claims 7 and 19.

Claim 19 is canceled, thereby mooted the outstanding requirement as applied to this claim.

In response to the requirement to elect one (1) inhibitor from claim 7, Applicant hereby elects the L-N^G monomethyl arginine (L-NMMA) inhibitor. Applicant

WST85BUSA

respectfully requests that upon allowance of claim 24, the Examiner consider the additional inhibitors of claim 7.

Rejoinder of Method Claims

The Examiner asserted that withdrawn method claims that depend from or otherwise include all the limitation of the allowable product claim will be rejoined.

Applicant has retained non-elected claims 1 and 12 and reserves the right to rejoin the same once claim 24 is found in condition for allowance.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for Applicant

By Mary E. Bak
Mary E. Bak
Registration No. 31,215
Spring House Corporate Center
Box 457
Spring House, PA 19477
Telephone: (215) 540-9200
Telefacsimile: (215) 540-5818